IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2168 OF 2005

Mr. Rahul Verma & ors. ...Applicants.

V/s

The State of Maharashtra
and Anr. ...Respondents.

Mr. Rajendra Sorankar for the applicants.
Mr. A.S. Rajadhyaksha for respondent No.2.
Mr. D.P. Adsule, APP for the State.

CORAM: V.M.KANADE,J.
DATE : 19th April, 2005.

P.C.

1. Heard the learned Counsel for the applicants and

the learned Counsel for respondent No.2.

2. This is an application filed by the applicants for quashing the criminal complaint filed by respondent No.2 under section 498A and 406 read with section 34 of the Indian Penal Code. It is the case of the applicants that the applicant No.1 and respondent No.2 got married on 02/12/2001. They were staying together in the matrimonial house upto November, 2002. Thereafter, certain differences arose between them as a result of which respondent No.2 started staying with her mother from November, 2002 onwards. On 12/11/2003, complaints were filed by both parties against each other in Kurar Police Station.

Respondent No.2 filed Criminal Complaint under section 498A, 406 read with section 34 of the Indian Penal Code which is now pending in the Court of the learned Additional Chief Metropolitan Magistrate, 24th Court at Borivli, Mumbai vide Case No. 112/PW/2004. Applicant No.1 also filed complaint in Kurar Police Station and the said case is pending in the Court of the learned Additional Chief Metropolitan Magistrate, 24th Court at Borivli, Mumbai vide Case No. 239/PW/2004.

3. It is submitted by the learned Counsel appearing on behalf of the applicants and respondent No.2 that both the parties have decided to resolve their differences amicably out of court. They have, therefore, filed Consent Terms which are taken on record and marked "X" for the purpose of identification. Respondent No.2 is identified by her Counsel. I have also seen her pass-port and interviewed her in the Court and she states that she has no objection if the Criminal Complaint filed by her is quashed. Applicants' counsel also, on instructions from his clients, states that he has no objection if the Criminal Complaint filed by Applicant No.1 against the respondent No.2 is quashed. Undertaking given by the parties in the Consent Terms

is accepted.

4. Since both these cases are noncompoundable, the Trial Court cannot compound these cases in view of the provisions of section 320 of the Criminal Procedure Code. However, this Court while exercising its inherent jurisdiction under section 482 of the Criminal Procedure Code can quash these proceedings and inherent powers of the High Court are not curtailed by virtue of the provisions of section 320 of the Criminal Procedure Code. I am fortified in my view by the judgment of the Supreme Court in the case of B.S. Joshi Vs. State of Haryana & Ors reported in JT 2003(3) SC 277.

5. In the result, Criminal Complaint filed by respondent No.2 being Court Case No.112/PW/2004 pending on the file of the learned Additional Chief Metropolitan Magistrate, 24th Court at Borivli, Mumbai is quashed and set aside and the complaint filed by the applicant No.1 on the basis of the complaint lodged by Kurar Police Station dated 5/11/2003 and which is now pending as Court Case No. 239/PW/2004 in the Court of the learned Additional Chief Metropolitan Magistrate, 24th Court Borivli, Mumbai is also quashed and set aside by consent of both the parties.

6. Criminal Application No. 2168 of 2005 is allowed in the above terms. Bail bonds of the respective parties to stand cancelled in both the cases.

V.M. KANADE, J.